

BNDRMM,CLOSED

**U.S. District Court
Southern District of Florida (West Palm Beach)
CRIMINAL DOCKET FOR CASE #: 9:23-mj-08237-RMM All Defendants**

Case title: USA v. Brenner

Date Filed: 05/10/2023

Other court case number: 1:23-mj-95 Eastern District of
Virginia

Date Terminated: 05/10/2023

Assigned to: Magistrate Judge
Ryon M. McCabe

Defendant (1)

Michael Brenner
TERMINATED: 05/10/2023

represented by **Matthew Alan Goldberger**
Matthew A. Goldberger, P.A.
250 S. Australian Ave, Ste. 1400
West Palm Beach, FL 33401
561-346-6405
Email: Matthew@goldbergerfirm.com
ATTORNEY TO BE NOTICED
Designation: Temporary

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Disposition

Removal of Criminal Complaint
from Eastern District of Virginia
for Violation of 21:841(a)(1) and
846

Plaintiff**USA**represented by **Brian Ralston**

U.S. Attorneys Office, SDFL

99 NE 4th Street, 6th floor

Miami, FL 33132

Email: brian.ralston@usdoj.gov**LEAD ATTORNEY****ATTORNEY TO BE NOTICED***Designation: Retained*

| Date Filed | # | Page | Docket Text |
|------------|----------|------|--|
| 05/10/2023 | <u>1</u> | | Magistrate Judge Removal of Criminal Complaint from Eastern District of Virginia Case number in the other District 1:23-mj-95 as to Michael Brenner (1). (spe) (Entered: 05/10/2023) |
| 05/10/2023 | 2 | | NOTICE OF HEARING as to Michael Brenner – Initial Appearance – Rule 5(c)(3)/40 set for 5/10/2023 at 10:00 AM in West Palm Beach Division before WPB Duty Magistrate Judge. (spe) (Entered: 05/10/2023) |
| 05/10/2023 | <u>3</u> | | NOTICE OF TEMPORARY ATTORNEY APPEARANCE: Matthew Alan Goldberger appearing for Michael Brenner (spe) (Entered: 05/10/2023) |
| 05/10/2023 | 4 | | PAPERLESS Minute Order for proceedings held before Magistrate Judge Ryon M. McCabe: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Michael Brenner held on 5/10/2023. Date of Arrest or Surrender: 5/10/2023. Defendant present and sworn. Defendant advised of charges, maximum penalties, and rights. The Court questioned the defendant. The defendant waived removal and identity, form executed and the Court found the waiver knowing and voluntary. Order of Removal signed. Bond set as to Michael Brenner (1) \$100,000 PSB w/cosigners. Total time in court: 16 minutes. Attorney Appearance(s): Brian Ralston (AUSA); Matthew Alan Goldberger (Temporary). (Digital 10:15:09) Signed by Magistrate Judge Ryon M. McCabe on 5/10/2023. (spe) (Entered: 05/10/2023) |
| 05/10/2023 | <u>5</u> | | WAIVER of Rule 5 & 5.1 Removal/Identity Hearings by Michael Brenner. (spe) (Entered: 05/10/2023) |
| 05/10/2023 | <u>6</u> | | \$100,000 PSB w/cosigners entered as to Michael Brenner – Approved by Magistrate Judge Ryon M. McCabe. <i>Please see bond image for conditions of release.</i> (spe) (Additional attachment(s) added on 5/10/2023: # <u>1</u> Restricted Bond with 7th Page) (spe). (Entered: 05/10/2023) |
| | | | <i>Main Document</i> |
| | | | <i>Attachment # 1 Restricted Bond with 7th Page (Not Attached)</i> |
| 05/10/2023 | <u>7</u> | | ORDER OF REMOVAL ISSUED to District of Eastern District of Virginia as to Michael Brenner. Closing Case for Defendant. Signed by Magistrate Judge Ryon M. McCabe on 5/10/2023. <i>See attached document for full details.</i> (spe) (Entered: 05/10/2023) |

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

United States of America)

v.)

MICHAEL BRENNER)

Case No. 1:23-MJ-95**SDFL CASE NO. 23-mj-8237-RMM**Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 2022 to on or about March 2023 in the city/county of Fairfax
 in the Eastern District of Virginia, the defendant(s) violated:

Code Section

21 U.S.C. §§ 841 (a)(1) and 846

Offense Description

The defendant, unlawfully, knowingly, and intentionally combine, conspire, confederate and agree with others, both known and unknown, to unlawfully, knowingly, and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

This criminal complaint is based on these facts:

(See attached affidavit.)

☒ Continued on the attached sheet.

Reviewed by AUSA/SAUSA
 SAUSA Paul Zebbi III/AUSA April Russo

Printed name and title


 Complainant's signature

Brandon Strait, Special Agent, FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone _____ (specify reliable electronic means).

Date: _____

John F. Anderson

Digitally signed by John F. Anderson

Date: 2023.05.08 14:59:00 -04'00'

*Judge's signature*City and state: Alexandria, Virginia

Hon. John F. Anderson, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

MICHAEL BRENNER,

Defendant.

Case No. 1:23-MJ-95

UNDER SEAL

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT AND ARREST WARRANT

I, Brandon G. Strait, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am submitting this affidavit in support of an arrest warrant and a criminal complaint charging the defendant, MICHAEL BRENNER, with conspiracy to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. This affidavit is for the limited purpose of obtaining a criminal complaint and arrest warrant. The information contained in this affidavit is not intended to include each and every fact and matter observed by me or known to the government.

AFFIANT'S EXPERIENCE

2. I am a duly appointed Special Agent of the Federal Bureau of Investigation ("FBI") and have been so employed since January 2006. I am currently assigned to CR-14 of the Washington Field Office's Criminal Investigative Division and primarily investigate drug diversion schemes. As an FBI Special Agent, I have received extensive training in the enforcement of the criminal laws of the United States, as well as extensive training in criminal investigations.

I have conducted and participated in numerous investigations involving unlawful narcotics diversion and distribution. During these investigations, I have been involved in the application for and execution of many arrest and search warrants for narcotics related offenses, resulting in the arrest, prosecution, and conviction of numerous individuals, and the seizure of controlled substances, illegal drug proceeds, and other evidence of criminal activity. Through my training and experience, I am familiar with the use, effects, and methods of distribution of controlled substances.

3. The facts and information contained in this affidavit are based on my personal knowledge of the investigation and information obtained from other state and federal law enforcement officers. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, interviews, cellular phone downloads, search warrants, administrative subpoenas, and other physical evidence obtained during this investigation.

4. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause in support of the above-referenced criminal complaint and arrest warrant. All unindicted conspirators mentioned in this affidavit will be referred to in the masculine, regardless of their true gender.

SUMMARY OF PROBABLE CAUSE

5. Since on or around August 2022, the FBI has been investigating allegations that MICHAEL BRENNER ("BRENNER"), a former Navy Service member, was involved in a drug distribution ring.

6. On September 14, 2022, law enforcement sent subpoenas for BRENNER's Navy Federal banking account. The subpoena return confirmed (1) BRENNER held an account

numbered 709XXXXXXX; (2) BRENNER's home address in Boca Raton, Florida; and (3) BRENNER's phone number of XXX-XXX-9915.

7. Between September 26, 2022, and October 5, 2022, an undercover law enforcement officer (hereinafter "UCE") in the Eastern District of Virginia contacted BRENNER on multiple occasions first through normal text messaging and then through an encrypted mobile data messaging application. This encrypted application is known by investigators to be used by individuals who attempt to hide criminal communications from law enforcement.¹ During their communications, BRENNER confirmed the purchase by the UCE of 500 Adderall pills for \$2,500 and indicated a willingness to come down on the price for future larger purchases, such as 2,000 to 5,000 pills. When questioned whether the pills were pharmaceutical-grade (real) or "pressed" (fake), BRENNER stated, "Pharma tested." In the next message, BRENNER wrote, "I ain't risking that shit." Subsequent conversations further coordinated the purchase to include: (1) the UCE providing BRENNER with a PO Box in Centreville, Virginia to send the pills; (2) BRENNER confirming that the UCE should use Western Union to send payment to a Navy Federal banking account (account number 709XXXXXXX), and (3) providing his location as being in Boca Raton, Florida.

8. Additionally, on or around September 29, 2022, UCE asked about sending money quickly and requested BRENNER to have the pills sent out on the same day. BRENNER stated, "Can try." "It's a whole process lol it's ready tho." About an hour later, BRENNER continued, "Yea I can't get it shipped without the money, gotta get it to my partner to send out."

¹ The account BRENNER used to communicate on the application is linked to a phone number ending in XXX-XXX-9915 that comes back to BRENNER.

Package #1:

9. On October 5, 2022, UCE sent \$2,500 to BRENNER's Navy Federal account via Western Union wire transfer for the purchase of 500 Adderall pills. Upon sending the money, UCE sent BRENNER a picture of the Western Union receipt and tracking number via the same encrypted mobile data messaging application to show proof of payment.

10. On October 6, 2022, BRENNER sent UCE a message on the same encrypted mobile data messaging application. BRENNER wrote, "Going out Monday or Tuesday. I don't touch it have a system in place for obvious reasons lol." BRENNER followed up the message with, "1000 – 4.75, 2000 – 4.50, 3000 – 4.25, 4000 – 4.00, 5000 – 3.75, 5000+ - 3.50, For future reference."

11. On October 11, 2022, BRENNER wrote via the same encrypted mobile data messaging application, "They're going out today." "It's going out from west coast, 3 hours behind fam" and then sent a photo of a text exchange between what appears to be BRENNER and his west coast drug connection. The picture of the text indicated that the package was going out on Tuesday because Monday was a holiday.

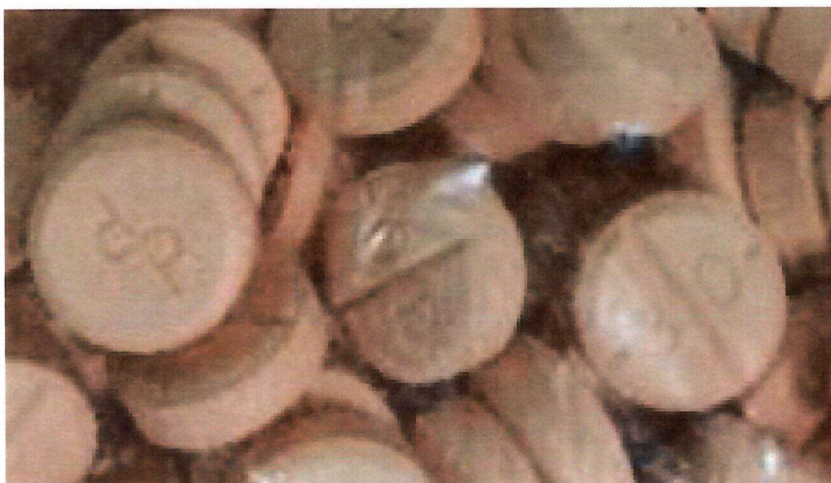
12. On October 12, 2022, BRENNER sent a picture of a United States Postal Service ("USPS") receipt which listed a tracking number of 9505 5163 3144 2284 5437 09 for a package that was sent to Centreville, Virginia and was expected to be delivered on October 14, 2022. The package was sent from California on October 11, 2022.

13. On October 14, 2022, case agents retrieved the package from the provided Centreville, Virginia PO Box. The package was addressed to the UCE. The package was taken back to the FBI to be placed into evidence. The package included approximately 500 light orange pills, bearing the traditional imprinted marking of Adderall, a "dp" on one side of the pill and a "30" on the opposite side of the pill. According to open-source reporting, the legitimate Adderall

bearing a “dp” on one side and a “30” on the other side, is produced by Teva Pharmaceuticals USA (see photo).



14. On October 18, 2022, case agents had the pills sent to the DEA Mid-Atlantic Laboratory for further testing. On December 6, 2022, case agents received a report from the DEA Mid-Atlantic Laboratory which concluded the pills consisted of a mixture containing methamphetamine (see photo).



Package #2:

15. Between October 31, 2022, and November 7, 2022, UCE contacted BRENNER on multiple occasions through the same encrypted mobile data messaging application. UCE asked to make a purchase of about 200 pills. BRENNER responded, “Shit yea, that 500 was the last half boat we were doin gotta be 1k minimum moving forward.” “Not my call lol.” UCE inquired about the cost for 1,000 pills and BRENNER responded by telling the UCE to review the prices he provided in the past for bulk, specifically \$4.75 per pill for purchases of 1,000 pills. Over the course of the communications, BRENNER confirmed that after consulting with his connection, they would accept \$4,500 for the purchase of 1,000 pills, or \$4.50 per pill.

16. On November 10, 2022, and November 11, 2022, UCE sent \$2,500 and \$2,000 respectively to BRENNER via Western Union wire transfer for the purchase of 1,000 Adderall pills.

17. On November 15, 2022, BRENNER sent a picture of a USPS receipt which listed a parcel being sent to Centreville, Virginia with a tracking number of 9505 5138 1549 2319 3975 51. The package was expected to be delivered on November 18, 2022. The package was sent from California.

18. On November 18, 2022, case agents retrieved the package from the provided Centreville, Virginia PO Box. The package was taken back to the FBI to be placed into evidence. The package included approximately 1,000 light orange pills, bearing the traditional imprinted marking of Adderall, a “dp” on one side of the pill and a “30” on the opposite side of the pill.²

² These pills were visibly a match to the pills from Package 1.

Prior to being placed into evidence, a pill was field tested. The device indicated that the pill was methamphetamine. The pills have since been sent to DEA Mid-Atlantic Laboratory for analysis.

Package #3:

19. Between February 16, 2023, and February 22, 2023, UCE contacted BRENNER on multiple occasions using the same encrypted mobile data messaging application. UCE stated, “Ima be good for 1000 next week fam.” BRENNER responded, “Yoo my b just saw this ok I’ll get working on it.” On February 22, 2023, UCE stated, “Gonna send bread tomorrow.”

20. On February 23, 2023, and February 24, 2023, UCE sent \$2,500 and \$2,000 respectively to BRENNER via Western Union wire transfer for the purchase of 1,000 Adderall pills. Upon sending the money, UCE sent BRENNER a picture of two Western Union receipts and tracking numbers via the same encrypted mobile data messaging application acknowledging receipt of payment.

21. On March 10, 2023, BRENNER sent a picture of a USPS receipt with a tracking number of 9505 5163 3142 3068 6804 21, referring to a package that was sent to Centreville, Virginia and was expected to be delivered on March 13, 2023. According to the receipt, the package was sent from California.

22. On March 12, 2023, the FBI received a package with tracking number, 9505 5163 3142 3068 6804 21, from the Centreville, Virginia Post Office. The package was taken back to the FBI to be placed into evidence. The package included approximately 1,000 light orange pills, bearing the traditional imprinted marking of Adderall, a “dp” on one side of the pill and a “30” on the opposite side of the pill.³

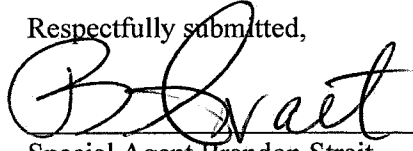
³ These pills were visibly a match to the pills from Packages 1 and 2.

CONCLUSION

23. Based upon the foregoing, I submit there is probable cause to believe that between on or about September 2022 to on or about March 2023, within the Eastern District of Virginia and elsewhere, the defendant, MICHAEL BRENNER, did unlawfully, knowingly, and intentionally combine, conspire, confederate and agree with others, both known and unknown, to unlawfully, knowingly, and intentionally distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

24. Wherefore, I respectfully request that this Court issue a criminal complaint charging MICHAEL BRENNER with violations of 21 U.S.C. §§ 841(a)(1) and 846 and a warrant authorizing his arrest.

Respectfully submitted,


Special Agent Brandon Strait
Federal Bureau of Investigation

Sworn and subscribed in accordance with the requirements of Fed. R. Crim P. 4.1 via telephone to me this 8th day of May 2023.

John F. Anderson

Digitally signed by John F.
Anderson
Date: 2023.05.08 14:58:00 -04'00'

The Honorable John F. Anderson
United States Magistrate Judge

MIME-Version:1.0
From:cmechautosender@flsd.uscourts.gov
To:flsd_cmecf_notice
Bcc:
--Case Participants: Brian Ralston (brian.ralston@usdoj.gov, caseview.ecf@usdoj.gov, cierra.collier@usdoj.gov, usafls-brdkt@usdoj.gov), Magistrate Judge Ryon M. McCabe (mccabe@flsd.uscourts.gov)
--Non Case Participants: United States Pretrial, Probation and PSIunit Office (Court Desk) (flsp_cd@flsp.uscourts.gov)
--No Notice Sent:

Message-Id:23331706@flsd.uscourts.gov
Subject:Activity in Case 9:23-mj-08237-RMM USA v. Brenner Notice of Hearing
Content-Type: text/html

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 5/10/2023 at 9:07 AM EDT and filed on 5/10/2023

Case Name: USA v. Brenner

Case Number: 9:23-mj-08237-RMM

Filer:

Document Number: 2(No document attached)

Docket Text:

NOTICE OF HEARING as to Michael Brenner – Initial Appearance – Rule 5(c)(3)/40 set for 5/10/2023 at 10:00 AM in West Palm Beach Division before WPB Duty Magistrate Judge. (spe)

9:23-mj-08237-RMM-1 Notice has been electronically mailed to:

Brian Ralston brian.ralston@usdoj.gov, Caseview.ECF@usdoj.gov, Cierra.Collier@usdoj.gov, USAFLS-BRDKT@usdoj.gov

9:23-mj-08237-RMM-1 Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1:23-mj-95

UNITED STATES OF AMERICA,
Plaintiff,

v.

**NOTICE OF TEMPORARY
APPEARANCE AS COUNSEL**

Defendant.

COMES NOW

Matthew A. Goldberger

and

files this temporary appearance as counsel for the above named defendant(s) at initial appearance.

This appearance is made with the **understanding** that the undersigned counsel will fulfill any **obligations imposed** by the Court such as **preparing and filing documents** necessary to collateralize any personal surety bond which may be set.

Counsel's Name (Printed):

Matthew A. Goldberger

Counsel's Signature:

[Signature]

Address (include City/State/Zip Code):

1555 Palm Beach Lakes Blvd. Suite 1900
West Palm Beach, FL 33401

Telephone:

561-659-8327

Florida Bar Number:

119897

Date:

5-10-2023

MIME-Version:1.0
From:cmechautosender@flsd.uscourts.gov
To:flsd_cmecf_notice
Bcc:
--Case Participants: Matthew Alan Goldberger (matthew@goldbergerfirm.com), Brian Ralston (brian.ralston@usdoj.gov, caseview.ecf@usdoj.gov, cierra.collier@usdoj.gov, usafls-brdkt@usdoj.gov), Magistrate Judge Ryon M. McCabe (mccabe@flsd.uscourts.gov)
--Non Case Participants: Federal Public Defender (fls_ecf@fd.org)
--No Notice Sent:

Message-Id:23332428@flsd.uscourts.gov
Subject:Activity in Case 9:23-mj-08237-RMM USA v. Brenner Initial Appearance - Rule 5(c)(3)/Rule 40
Content-Type: text/html

U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 5/10/2023 at 11:21 AM EDT and filed on 5/10/2023

Case Name: USA v. Brenner
Case Number: 9:23-mj-08237-RMM
Filer:
Document Number: 4(No document attached)

Docket Text:

PAPERLESS Minute Order for proceedings held before Magistrate Judge Ryon M. McCabe: Initial Appearance in Rule 5(c)(3)/Rule 40 Proceedings as to Michael Brenner held on 5/10/2023. Date of Arrest or Surrender: 5/10/2023. Defendant present and sworn. Defendant advised of charges, maximum penalties, and rights. The Court questioned the defendant. The defendant waived removal and identity, form executed and the Court found the waiver knowing and voluntary. Order of Removal signed. Bond set as to Michael Brenner (1) \$100,000 PSB w/cosigners. Total time in court: 16 minutes. Attorney Appearance(s): Brian Ralston (AUSA); Matthew Alan Goldberger (Temporary). (Digital 10:15:09) Signed by Magistrate Judge Ryon M. McCabe on 5/10/2023. (spe)

9:23-mj-08237-RMM-1 Notice has been electronically mailed to:

Brian Ralston brian.ralston@usdoj.gov, Caseview.ECF@usdoj.gov, Cierra.Collier@usdoj.gov, USAFLS-BRDKT@usdoj.gov

Matthew Alan Goldberger Matthew@goldbergerfirm.com

9:23-mj-08237-RMM-1 Notice has not been delivered electronically to those listed below and will be provided by other means. For further assistance, please contact our Help Desk at 1-888-318-2260.:

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No: 23-mj-8237-RMM

United States of America
Plaintiff,
v.

Charging District's Case No. 1:23-mj-95

MICHAEL BRENNER,
Defendant.

WAIVER OF RULE 5 & 5.1 REMOVAL/IDENTITY HEARINGS

I understand that I have been charged in another district, the Eastern District of Virginia.

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my rights to: **(check those that apply)**

- ☒ An identity hearing and production of the warrant.
- ☒ A preliminary hearing.
- ☒ A detention hearing in the Southern District of Florida.
- ☒ An identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled to in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

5/10/23

Defendant's Signature

Ryon M. McCabe,
UNITED STATES MAGISTRATE JUDGE

(Revised 03/2020)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

APPEARANCE BOND: _____

CASE NO.: 23-mj-8237-RMM

UNITED STATES OF AMERICA:

Plaintiff,

v.

USM # : _____

Michael Brenner,

Defendant,

_____/

I, the undersigned defendant and I or we, the undersigned sureties, jointly and severally acknowledge that we and our personal representatives, jointly and severally, are bound to pay the United States of America, the sum of \$ 100,000 PSB w/cosigners Scott and Andrea Brenner

STANDARD CONDITIONS OF BOND

The conditions of this bond are that the defendant:

1. Shall appear before this Court and at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in this case, including appearance for violation of a condition of the defendant's release as may be ordered or notified by this Court or any other United States District Court to which the defendant may be held to answer or the cause transferred. The defendant is required to ascertain from the Clerk of Court or defense counsel the time and place of all scheduled proceedings on the case. In no event may a defendant assume that his or her case has been dismissed unless the Court has entered an order of dismissal. The defendant is to abide by any judgment entered in such matter by surrendering to serve any sentence imposed and obeying any order or direction in connection with such judgment. This is a continuing bond, including any proceeding on appeal or review, which shall remain in full force and effect until such time as the Court shall order otherwise.

2. May not travel outside the Southern District of Florida unless otherwise approved by the Court prior to any such travel. The Southern District of Florida consists of the following counties: Broward, Highlands, Indian River, Martin, Miami-Dade, Monroe, Okeechobee, Palm Beach and St. Lucie.

3. May not change his/her present address without prior notification and approval from the U.S. Probation Officer or the Court.

4. Must cooperate with law enforcement officers in the collection of a DNA sample if the collection is required by 42 U.S.C. Section 14135a.

5. Must not violate any federal, state or local law while on release in this case. Should the defendant come in contact with law enforcement he/she shall notify the U.S. Probation Officer within 72 hours.

DEFENDANT: Michael Brenner
CASE NUMBER: 23-mj-8237-RMM
PAGE TWO

SPECIAL CONDITIONS OF BOND

In addition to compliance with the previously stated conditions of bond, the defendant must comply with the special conditions checked below:

- ☒ a. Surrender all passports and travel documents, if any, to Pretrial Services and not obtain any travel documents during the pendency of the case; (***Defendant has 24 hours to surrender passport***).
- ☒ b. Report to Pretrial Services as follows: (X) as directed or ___ time(s) a week in person and ___ time(s) a week by telephone;
- ☐ c. Submit to substance abuse testing and/or treatment, contribute to the cost of services rendered based on ability to pay, as determined by the U.S. Probation Officer;
- ☐ d. Refrain from ___ excessive OR ___ abstain from alcohol use or any use of a narcotic drug or other controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. §802), without a prescription by a licensed medical practitioner;
- ☐ e. Participate in a mental health assessment and/or treatment and contribute to the costs of services rendered based on ability to pay, as determined by the U.S. Probation Officer;
- ☐ f. Employment restriction(s): _____
- ☐ g. Maintain or actively seek full-time employment;
- ☐ h. Maintain or begin an educational program;
- ☒ i. Avoid all contact with victims or witnesses to the crimes charged, except through counsel. The AUSA shall provide defense counsel and pretrial services with the names of all victims or witnesses. The prohibition against contact does not take effect until defense counsel receives the list. The prohibition against contact applies only to those persons on the list, but the prosecutor may expand the list by sending written notice to defense counsel and pretrial services.;
- ☐ j. Avoid all contact with co-defendants and defendants in related cases, except through counsel;
- ☒ k. Refrain from possessing a firearm, destructive device or other dangerous weapons and shall surrender (if any), their concealed weapons permit to the U.S. Probation Office;
- ☐ l. None of the signatories may sell, pledge, mortgage, hypothecate, encumber, etc., any real property they own, until the bond is discharged, or otherwise modified by the Court;
- ☐ m. May not visit commercial transportation establishment: airports, seaport/marinas, commercial bus terminals, train stations, etc.;
- ☐ n. Defendant shall consent to the U.S. Probation Officer conducting periodic unannounced examinations of the defendant's computer equipment at his/her place of employment or on the computer at his/her residence which may include retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection; and consent at the direction of the U.S. Probation Officer to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use;

DEFENDANT: Michael Brenner
CASE NUMBER: 23-mj-8237-RMM
PAGE THREE

- ___ o. **LOCATION MONITORING PROGRAM:** The defendant shall be monitored by the form of location monitoring and shall abide by all technology requirements as noted below, as well as contribute to the costs of services rendered based on () ability to pay as determined by the U.S. Probation Officer – or – () paid by U.S. Probation;
- ___ Location monitoring technology at the discretion of the officer
 - ___ Radio Frequency (RF) monitoring (Electronic Monitoring)
 - ___ Active GPS Monitoring
 - ___ Voice Recognition
 - ___ Curfew: You are restricted to your residence every day from _____ to _____, or as directed by the supervising officer.
- OR**
- ___ Home Detention: You are restricted to your residence at all times except for:
- () medical
 - () substance abuse or mental health treatment
 - () court appearances
 - () attorney visits or court ordered obligations
 - () religious services
 - () employment
 - () other activities as pre-approved by the supervising officer
- p. **RESIDENTIAL RE-ENTRY CENTER:** The defendant shall reside at a residential re-entry center or halfway house and abide by all the rules and regulations of the program. The cost to be paid by () Pretrial Services or () based on the defendant's ability to pay. You are restricted to the residential re-entry center/halfway house at all times except for:
- () employment
 - () education
 - () religious services
 - () medical, substance abuse, or mental health treatment
 - () attorney visits
 - () court appearances
 - () court ordered obligations
 - () reporting to Pretrial Services
 - () other _____
- q. Third-Party Custody: _____ will serve as a third party custodian and will report any violations of the release conditions to the U.S. Probation Officer. Failure to comply with these requirements, the third party custodian can be subject to the provisions of 18 U.S.C. § 401, Contempt of Court.
- r. The defendant shall submit his person, property, residence, vehicle, papers, computers, (as defined in 18 U.S.C. 1030(e)(1)), other electronic communication or data storage devices or media, or office, to a search conducted by a United States Probation Officer. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. Any search must be conducted at a reasonable time and in a reasonable manner.

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 s. **Mandatory Adam Walsh Conditions:** Defendant shall abide by specified restrictions on personal associations, place of abode, or travel, to avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; report on a regular basis to a designated law enforcement agency, pretrial services agency or other agency; comply with a specified curfew (with electronic monitoring) and refrain from possessing a firearm, destructive device or other dangerous weapons.

 t. Additional Sex Offense Conditions For Defendants Charged or Convicted of a Sexual Offense:

1. () Defendant may not have contact with victim(s), or any child under the age of 18, unless approved by the Court or allowed by the U.S. Probation Officer.
2. () The defendant shall not possess or use any data encryption technique or program and shall provide passwords and administrative rights to the U.S. Probation Officer.
3. () Defendant shall participate in specialized sex offender evaluation and treatment, if necessary, and to contribute to the costs of services rendered based on ability to pay, as determined by the U.S. Probation Office.
4. () Defendant shall not possess, procure, purchase or otherwise obtain any internet capable device and/or computer. Additionally, the defendant is prohibited from using another individual's computer or device that has internet capability.
5. () Defendant is prohibited from establishing or maintaining any email account or social media account. Additionally, the defendant is prohibited from using another individual's email account or social media account. Must provide monthly or upon request, personal phone and credit card billings to Pretrial Services to confirm there are no services with any internet services provider.
6. () Defendant is not permitted to enter places where children congregate including, but not limited to any play areas, playgrounds, libraries, children-themed restaurants, daycares, schools, amusement parks, carnivals/fairs, unless approved by the U.S. Probation Officer.
7. () The defendant shall not be involved in any children's or youth organizations.
8. () Defendant is prohibited from viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs, or computer services.
9. () The defendant shall participate in a maintenance polygraph examination to periodically investigate the defendant's compliance. The polygraph examination shall specifically address only defendant's compliance or non-compliance with the special conditions of release and shall not inquire into the facts of the pending criminal case against defendant. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

 X u. May travel to and from: SDFL & EDVA, and must notify Pretrial Services of travel plans before leaving and upon return.

 X v. Comply with the following additional conditions of bond:

Permission to travel to NDCA for wedding the weekend of May 12-15, 2023.

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PENALTIES AND SANCTIONS APPLICABLE TO DEFENDANT

Violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for the defendant's arrest, a revocation of release, and order of detention, as provided in 18 U.S.C. §3148, forfeiture of any bail posted, and a prosecution for contempt as provided in 18 U.S.C. §401, which could result in a possible term of imprisonment or a fine.

The commission of any offense while on pretrial release may result in an additional sentence upon conviction for such offense to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be consecutive to any other sentence and must be imposed in addition to the sentence received for the offense itself.

Title 18 U.S.C. §1503 makes it a felony criminal offense punishable by imprisonment and a \$250,000 fine to intimidate or attempt to intimidate a witness, juror or officer of the court; 18 U.S.C. §1510 makes it a felony criminal offense punishable by imprisonment and a \$250,000 fine to obstruct a criminal investigation; 18 U.S.C. §1512 makes it a felony criminal offense punishable by imprisonment and a \$250,000 fine to tamper with a witness, victim or informant; and 18 U.S.C. §1513 makes it a felony criminal offense punishable by imprisonment and a \$250,000 fine to retaliate against a witness, victim or informant, or threaten to do so.

It is a criminal offense under 18 U.S.C. §3146, if after having been released, the defendant knowingly fails to appear as required by the conditions of release, or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge of, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction for:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, the defendant shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, a failure to appear may result in the forfeiture of any bail posted, which means that the defendant will be obligated to pay the full amount of the bond, which may be enforced by all applicable laws of the United States.

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PENALTIES AND SANCTIONS APPLICABLE TO SURETIES

Violation by the defendant of any of the foregoing conditions of release will result in an immediate obligation by the surety or sureties to pay the full amount of the bond. Forfeiture of the bond for any breach of one or more conditions may be declared by a judicial officer of any United States District Court having cognizance of the above entitled matter at the time of such breach, and if the bond is forfeited and the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each surety jointly and severally for the amount of the bond, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and other laws of the United States.

SIGNATURES

I have carefully read and I understand this entire appearance bond consisting of seven pages, or it has been read to me, and, if necessary, translated into my native language, and I know that I am obligated by law to comply with all of the terms of this bond. I promise to obey all conditions of this bond, to appear in court as required, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions outlined in this bond for violations of the terms of the bond.

If I am an agent acting for or on behalf of a corporate surety, I further represent that I am a duly authorized agent for the corporate surety and have full power to execute this bond in the amount stated.

DEFENDANT

Signed this 10 day of May, 2023 at West Palm Beach, Florida

Signed and acknowledged before me:

WITNESS:

DEFENDANT: (Signature) [Signature]

West Palm Beach
City

FL
State

City

State

CORPORATE SURETY

Signed this _____ day of _____, 20____ at _____, Florida

SURETY:

AGENT: (Signature) _____

PRINT NAME: _____

City

State

INDIVIDUAL SURETIES

Signed this 10 day of May, 2023 at WPB, Florida

SURETY: (Signature) [Signature]

PRINT NAME: ANDREA MG-BRENNER

RELATIONSHIP TO DEFENDANT: MOTHER

City

State

Signed this 10 day of May, 2023 at WPB, Florida

SURETY: (Signature) [Signature]

PRINT NAME: Scott Brenner

RELATIONSHIP TO DEFENDANT: Father

City

State

Signed this 10 day of _____, 20____ at _____, Florida

SURETY: (Signature) _____

PRINT NAME: _____

RELATIONSHIP TO DEFENDANT: _____

City

State

Signed this _____ day of _____, 20____ at _____, Florida

SURETY: (Signature) _____

PRINT NAME: _____

RELATIONSHIP TO DEFENDANT: _____

City

State

APPROVAL BY THE COURT

Date: 5/10/2023

[Signature]
RYON M. McCABE,
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No: 23-mj-8237-RMM

United States of America
Plaintiff,

v.

Charging District's Case No. 1:23-mj-95

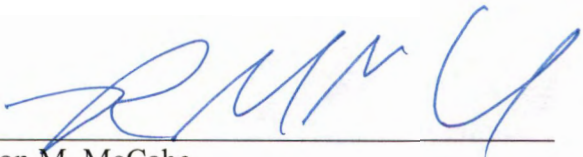
MICHAEL BRENNER,
Defendant.

ORDER OF REMOVAL

It appearing that in the **Eastern District of Virginia**, a Complaint was filed against the above-named defendant on a charge of 21:841(a)(1) and 846, and that the defendant was arrested in the Southern District of Florida and was given a hearing before United States Magistrate Judge Ryon M. McCabe at West Palm Beach, Florida, which officially committed the defendant for removal to the **Eastern District of Virginia**, it is ORDERED AND ADJUDGED that the defendant be removed to the above-named district for trial on said charge.

And it further appearing that the defendant waived further hearing in the said removal proceedings and was held by the Magistrate Judge Ryon M. McCabe for removal and posted bail in the amount of which was approved by the United States Magistrate Judge Ryon M. McCabe, and it is further ORDERED that the defendant shall appear in the aforesaid district at such times and places as may be ordered by that District Court, in accordance with the terms and conditions of aforesaid bond furnished by the defendant, and it is further ORDERED that the funds, plus interest, which may have been deposited on behalf of this defendant with the Clerk of the Court under Bail Reform Act be transferred to the district where removed.

DONE AND ORDERED at West Palm Beach, Florida on this 10 day of May, 2023.



Ryon M. McCabe,
United States Magistrate Judge